

To: Strauss, Alexis[Strauss.Alexis@epa.gov]; Manzanilla, Enrique[Manzanilla.Enrique@epa.gov]; Herrera, Angeles[Herrera.Angeles@epa.gov]; Minor, Dustin[Minor.Dustin@epa.gov]
Cc: FPerdomo@ag.nv.gov[FPerdomo@ag.nv.gov]; Bradley Crowell[bcrowell@dcnr.nv.gov]
From: Greg Lovato
Sent: Fri 2/2/2018 6:01:03 PM
Subject: Fwd: Anaconda Copper Mine Site - MOA btw NRD Trustees and ARC
[ARC MOA.pdf](#)
[ATT00001.htm](#)

Please see attached NRD Tolling Agreement signed by ARC and all Trustees except the Tribes. We are not sure of the Tribes' intentions with respect to signing this or when but we do know they approved this language.

Greg Lovato
Administrator
NV Division of Environmental Protection
775-687-9373

Begin forwarded message:

From: "O'Rourke, Steve (ENRD)" <Steve.O'Rourke@usdoj.gov>
Date: February 2, 2018 at 8:29:23 AM PST
To: "Cohen, Adam" <Adam.Cohen@dgsllaw.com>, ROBERT SAINT-AUBIN <rfsaint@me.com>
Cc: "jcallan@blm.gov" <jcallan@blm.gov>, "charlie.chandler@bia.gov" <charlie.chandler@bia.gov>, "damian_higgins@fws.gov" <damian_higgins@fws.gov>, "dmcginnis@mcginnisandassociates.com" <dmcginnis@mcginnisandassociates.com>, "gerry.emm@bia.gov" <gerry.emm@bia.gov>, "ginaleemckay@yahoo.com" <ginaleemckay@yahoo.com>, "ghatch@ypt-nsn.gov" <ghatch@ypt-nsn.gov>, "glovato@ndep.nv.gov" <glovato@ndep.nv.gov>, "john.krause@bia.gov" <john.krause@bia.gov>, "lthom@ypt-nsn.gov" <lthom@ypt-nsn.gov>, "MFairbank@ag.nv.gov" <MFairbank@ag.nv.gov>, "montina.threefingers@bia.gov" <montina.threefingers@bia.gov>, "fperdomo@ag.nv.gov" <fperdomo@ag.nv.gov>, "rfs@coastmediator.com" <rfs@coastmediator.com>, "speters@mcginnisandassociates.com" <speters@mcginnisandassociates.com>, "toby_mcbride@fws.gov" <toby_mcbride@fws.gov>, "Wonsook.Sprague@sol.doi.gov" <Wonsook.Sprague@sol.doi.gov>, "wrptgapmanager@gmail.com" <wrptgapmanager@gmail.com>, "Block, Nathan" <Nathan.Block@bp.com>, "Brian.S.Johnson@bp.com" <Brian.S.Johnson@bp.com>
Subject: RE: Anaconda Copper Mine Site - MOA btw NRD Trustees and ARC

Here is the version with DOJ's signature added.

Thanks,

Steve

From: Cohen, Adam [<mailto:Adam.Cohen@dgsllaw.com>]
Sent: Thursday, February 01, 2018 8:03 PM
To: O'Rourke, Steve (ENRD) <SORourke@ENRD.USDOJ.GOV>; ROBERT SAINT-AUBIN <rfsaint@me.com>
Cc: jcallan@blm.gov; charlie.chandler@bia.gov; damian_higgins@fws.gov; dmcginnis@mcginnisandassociates.com; gerry.emm@bia.gov; ginaleemckay@yahoo.com; ghatch@ypt-nsn.gov; glovato@ndep.nv.gov; john.krause@bia.gov; lthom@ypt-nsn.gov; MFairbank@ag.nv.gov; montina.threefingers@bia.gov; fperdomo@ag.nv.gov; rfs@coastmediator.com; speters@mcginnisandassociates.com; toby_mcbride@fws.gov; Wonsook.Sprague@sol.doi.gov; wrptgapmanager@gmail.com; Block, Nathan <Nathan.Block@bp.com>; Brian.S.Johnson@bp.com; Cohen, Adam <Adam.Cohen@dgsllaw.com>
Subject: RE: Anaconda Copper Mine Site - MOA btw NRD Trustees and ARC

Steve - I'm re-circulating the MOA bearing signatures for NDEP, the Nevada AG, and Atlantic Richfield Company. Please send me a fully signed copy when it is available.

Adam S. Cohen ■ Partner
P: 303.892.7321 ■ C: 720.936.3017 ■ P: 303.892.9400 ■ [vcard](#)
[Davis Graham & Stubbs LLP](#)

1550 17th Street, Suite 500 ■ Denver, CO 80202

From: O'Rourke, Steve (ENRD) [<mailto:Steve.O'Rourke@usdoj.gov>]
Sent: Thursday, February 01, 2018 10:49 AM
To: Cohen, Adam <Adam.Cohen@dgsllaw.com>; ROBERT SAINT-AUBIN <rfsaint@me.com>
Cc: jcallan@blm.gov; charlie.chandler@bia.gov; damian_higgins@fws.gov; dmcginnis@mcginnisandassociates.com; gerry.emm@bia.gov; ginaleemckay@yahoo.com; ghatch@ypt-nsn.gov; glovato@ndep.nv.gov; john.krause@bia.gov; lthom@ypt-nsn.gov; MFairbank@ag.nv.gov; montina.threefingers@bia.gov; fperdomo@ag.nv.gov; rfs@coastmediator.com; speters@mcginnisandassociates.com; toby_mcbride@fws.gov; Wonsook.Sprague@sol.doi.gov; wrptgapmanager@gmail.com; Block, Nathan <Nathan.Block@bp.com>; Brian.S.Johnson@bp.com

Subject: RE: Anaconda Copper Mine Site - MOA btw NRD Trustees and ARC

Adam:

The pdf of the agreement is attached, partially signed (it may be signed in counterparts).
Please have it signed by an authorized person for ARC and return to this group by pdf?

Thank you,

Steve

Steven O'Rourke

Environmental Enforcement Section

U.S. Department of Justice

Mail: P.O. Box 7611 Washington, D.C. 20044-7611

Overnight: ENRD Mail Room, 601 D Street, N.W. Washington D.C. 20004

Telephone: (202) 514-2779

E-mail: steve.o'rourke@usdoj.gov

From: Cohen, Adam [<mailto:Adam.Cohen@dgsllaw.com>]

Sent: Wednesday, January 10, 2018 12:36 PM

To: ROBERT SAINT-AUBIN <rfsaint@me.com>; O'Rourke, Steve (ENRD)
<SORourke@ENRD.USDOJ.GOV>

Cc: jcallan@blm.gov; charlie.chandler@bia.gov; damian_higgins@fws.gov;

dmcginnis@mcginnisandassociates.com; gerry.emm@bia.gov; ginaleemckay@yahoo.com; ghatch@ypt-nsn.gov; glovato@ndep.nv.gov; john.krause@bia.gov; lthom@ypt-nsn.gov; MFairbank@ag.nv.gov; montina.threefingers@bia.gov; fperdomo@ag.nv.gov; rfs@coastmediator.com; speters@mcginnisandassociates.com; toby_mcbride@fws.gov; Wonsook.Sprague@sol.doi.gov; wrptgapmanager@gmail.com; Block, Nathan <Nathan.Block@bp.com>; Brian.S.Johnson@bp.com; Cohen, Adam <Adam.Cohen@dgsllaw.com>

Subject: Anaconda Copper Mine Site - MOA btw NRD Trustees and ARC

Robert and Steve – As outside counsel for Atlantic Richfield Company, I am sending this email to confirm Atlantic Richfield’s approval of the version of the “Memorandum of Agreement Between Atlantic Richfield Company and the NRD Trustees for Anaconda Mine Site, Lyon County, Nevada” (“tolling agreement”) that we received from representatives for the Yerington Paiute Tribe on October 20, 2017. A copy of that version of the tolling agreement is attached here. We previously sent written notice of Atlantic Richfield’s approval to NDEP on November 8, 2017. Atlantic Richfield is prepared to sign the tolling agreement concurrently with execution of the Deferral Agreement between NDEP and EPA, the Interim Administrative Order on Consent between NDEP and Atlantic Richfield, and other deferral-related agreements, which is expected to occur in the next few weeks. I suggest that one of you or another representative of the Trustee Council circulate a final executable pdf version of the tolling agreement for all parties to sign.

Let me know if you have any related questions.

Adam S. Cohen • Partner

P: 303.892.7321 • C: 720.936.3017 • P: 303.892.9400 • [vcard](#)
[Davis Graham & Stubbs LLP](#)

1550 17th Street, Suite 500 • Denver, CO 80202

This email message (including any attachments), delivered by Davis Graham & Stubbs LLP, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.